

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

07 DEC 18 PM 2:16

Case No. : 07 MJ 2928

UNITED STATES OF AMERICA) Magistrate Case No.:
Plaintiff,) 07 MJ 2928
v.)
Jorge PAYAN-Vizcarra) COMPLAINT FOR VIOLATION OF
) 21 U.S.C. 841 (a)(1), 846
) Conspiracy to Distribute
) Methamphetamine
) (Felony)
Defendant.)

The undersigned complainant being duly sworn states:

COUNT ONE

12 Beginning on a date unknown and continuing up to and
13 including February 7, 2007, within the Southern District of
14 California and elsewhere, defendant Jorge PAYAN-Vizcarra and
15 others, did knowingly and intentionally conspire together and
16 with each other and with persons known and unknown to distribute
17 approximately 7.5 kilograms of Methamphetamine, a Schedule I
18 Controlled Substance, in the Southern District of California and
19 elsewhere, in violation of Title 21, United States Code,
20 Sections 841 (a) (1) and 846.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Special Agent
Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence, December
18, 2007.

UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Jorge PAYAN-Vizcarra

4 STATEMENT OF FACTS

5 On 02-07-07, Jorge PAYAN-Vizcarra entered the U.S. at the
6 Calexico West POE, California (CA) at approximately 1401 hours,
7 TECS records showed that the load vehicle, the 2001 Ford
8 (BAMX/BM60313) crossed in lane number 3 and the scout vehicle, a
9 2005 Toyota crossed in lane 3 at 1403 hours. TECS records
10 further show that the driver of the load vehicle was PAYAN-
11 Vizcarra.

13 At approximately 1405 hours, DEA SA Niebla observed the
14 2001 Ford F-150 traveling north on Highway 111 near the Highway
15 98 intersection, Calexico, CA. SA Niebla identified PAYAN-
16 Vizcarra as the driver and sole occupant of the load vehicle,
17 the 2001 Ford F-150. SA Niebla observed the scout vehicle, the
18 2005 Toyota Tacoma previously described traveling close behind
19 PAYAN-Vizcarra's vehicle. SA Niebla observed Edgar BOBADILLA
20 driving the 2005 Toyota Tacoma with Carlos GARCIA-Avilez as the
21 passenger.

23 In the Coachella, CA area DEA Agents observed PAYAN-
24 Vizcarra giving possession of the load vehicle to GARCIA-Avilez.
25 This surveillance of the load vehicle resulted in the seizure of
26 approximately 7.5 kilograms of methamphetamine and two arrests
27 in the Riverside, CA area. GARCIA-Avilez and BOBADILLA were not
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arrested until 05-22-07 for there involvement in the smuggling
1 and transportation of the 7.5 kilograms of methamphetamine.

2 On 12-17-07, at approximately 1604 hours, PAYAN-Vizcarra
3 was arrested at the San Ysidro POE, San Diego, CA as he tried to
4 enter the United States. PAYAN-Vizcarra was advised of his
5 rights, which he acknowledged and waived. PAYAN-Vizcarra
6 claimed that he was paid \$1,300 on three different occasions to
7 smuggle drugs in the 2001 Ford. After smuggling the drugs
8 through the Calexico POE, PAYAN-Vizcarra was instructed to drive
9 the load vehicle to the Coachella, CA area where he would turn
10 possession of the vehicle over to Carlos GARCIA-Avilez. PAYAN-
11 Vizcarra was booked into the San Diego MCC pending his initial
12 appearance before the U.S. Magistrate.

14
15 *Mike Breslin*
16 Mike Breslin, ICS
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18 *W. McCurrie Jr.*
19 **WILLIAM McCURRIE, JR.**
20 **U.S. MAGISTRATE JUDGE**
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